if the "rule of reason" shows that the general condition of competition in the trade is not substantially impaired. But if, in a given case, the purpose or result of the combination appears to be to establish, in any substantial sense, non-competitive conditions in the trade as a whole, the policy of the law is violated, and no room is left for the court to apply its own theories of policy, economics or morals. *Standard Sanitary Mfg. Co. v. United States* (1912) 226 U. S. 20, 49; 33 Sup. Ct. 9, 15; *Cf. International Harvester Co. v. Missouri* (1914) 234 U. S. 199, 209; 34 Sup. Ct. 859, 862. Judged by this test the combination in the principal case was clearly illegal.

H. W. D.

SALES—SERVING OF GAME AS "SALE" WITHIN GAME LAW.—Two guests at the defendant's hotel were served native partridge. The New York Conservation Law provides that the dead bodies of birds native to the state, and protected by law shall not be "sold, offered for sale, or possessed for sale for food purposes within this state, . . ." *Held,* that the serving of partridges as part of the guests' table d'hôte meal constituted a sale in violation of the statute. *People v. Clair* (1917, N. Y.) 116 N. E. 868.

Both at common law and under the Sales Act, general property as distinguished from special property must pass in order to effect a sale. *Jenkyns v. Brown* (1849) 14 Q. B. 496. Uniform Sales Act, Sec. 1, §76. But a guest at a hotel or restaurant does not get general property, *i. e.,* all the incidents of ownership, in the food that he orders. He is privileged to eat as much as he desires, but, having eaten, his control over the remaining food is at an end. What he buys is not a specified quantity of food, but service and the *privilege* of eating. The transaction of serving and receiving pay for a meal has, therefore, been held not to constitute a sale under the Sales Act. *Merrill v. Hodson* (1914) 88 Conn. 314, 91 Atl. 533; Beale, *Innkeepers* §169. On the other hand it has been held in cases relating to statutes regulating the sale of liquor, impure milk, and oleomargarine that serving and receiving pay therefor does constitute a sale. *State v. Lotti* (1900) 72 Vt. 115, 47 Atl. 392; *Commonwealth v. Warren* (1894) 160 Mass. 533, 36 N. E. 308; *Commonwealth v. Miller* (1890) 131 Pa. St. 118, 18 Atl. 938. Since a technical interpretation of the term "sale" in the case of game laws and similar prohibitory statutes would open the way to evasion of the law, it is submitted that the more liberal construction adopted in the principal case, and in the great majority of similar cases, is both reasonable and desirable.

C. S. B.

TAXATION—INHERITANCE AND TRANSFER TAXES—EXEMPTION OF INSTITUTIONS RECEIVING "STATE AID."—The Connecticut Inheritance Tax statute exempted "all property passing to or in trust for the benefit of any corporation or institution located in this state which receives state aid." (Pub. Acts of 1915, ch. 332, sec. 3.) The will of Justus S. Hotchkiss, a Connecticut testator, left bequests to five institutions, including Yale University, all of which enjoyed under general or special laws more or less complete exemption from ordinary taxation. *Held,* that such tax exemptions constituted "state aid" within the meaning of the inheritance tax